



480504

**CITY AND COUNTY OF DENVER**

WELLINGTON E. WEBB  
Mayor

DEPARTMENT OF LAW  
DANIEL E. MUSE  
CITY ATTORNEY

OFFICE OF CITY ATTORNEY  
CONTRACTS SECTION  
1445 CLEVELAND PLACE  
ROOM 305  
DENVER, COLORADO 80202-5301  
PHONE: (303) 640-3552  
FAX: (303) 640-5609

January 14, 2000

Mr. Gregory J. Phoebe  
Technical Enforcement Program  
United States Environmental Protection Agency  
Region 8  
999 18<sup>th</sup> Street, Suite 500  
Denver, Colorado 80202-2466

**PUBLIC  
DOCUMENT**

Re: First Request for Information Pursuant to Section 104 CERCLA  
for the Vasquez Boulevard/I-70 Site – Denver, Colorado

Dear Mr. Phoebe:

Enclosed please find the City and County of Denver's response to the EPA's First Request for Information Pursuant to Section 104 CERCLA for the Vasquez Boulevard/I-70 Site, Denver, Colorado.

Denver has gathered all information it could find relating to this Site. We will continue to investigate uses of the Coliseum property and supplement our response if we locate significant additional information.

Sincerely,

Monica Heitzmann  
Consulting Attorney

cc: Theresa M. Donahue, Manager, Department of Environmental Health  
Shaun Sullivan, Assistant City Attorney, City and County of Denver  
Matthew Cohn, Enforcement Attorney, United States Environmental Protection Agency

Encl.

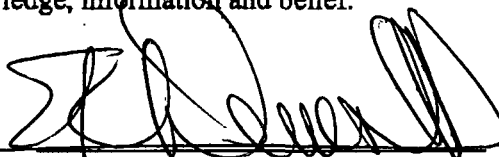
BPhoebe1tr

**ADMINISTRATIVE RECORD**

NOTARIZED CERTIFICATE

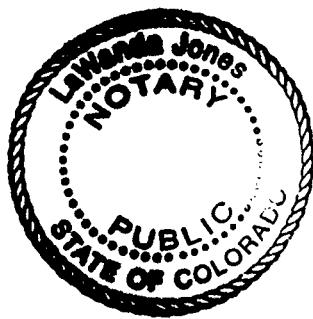
I, E.K. Demos, having been duly sworn and being of legal age, hereby state:

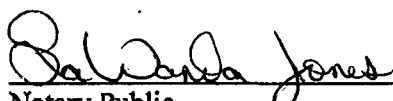
1. I am the person authorized by the City and County of Denver to respond to the Environmental Protection Agency's request for information concerning the Vasquez Boulevard / I-70 Site located in Denver, Colorado.
2. I made, or had those persons working for and with me make, a complete and thorough search for and review of all documents, information and sources relevant to the request that we could locate.
3. I hereby certify that the attached response to the Environmental Protection Agency's request is complete and contains all information and documents responsive to the request to the best of my knowledge, information and belief.



E.K. Demos, Ph.D.  
Director, Department of Environmental Health  
Environmental Services Division  
City and County of Denver

Subscribed and sworn to me by E.K. Demos this 14<sup>th</sup> day of January 2000.



  
Notary Public

My commission expires: 3/23/2002

My address is: 14774 E. 41<sup>st</sup> ave

DENVER, CO. 80239

City and County of Denver Response to U.S. Environmental Protection Agency First  
Request for Information for the Vasquez Boulevard / I-70 Site Sent to the  
Department of Environmental Health

1. Provide a legal description of the property or properties ("Site") the American Smelting and Refining Company (ASARCO) or other parties sold to the city ("Denver" or "City") and upon which the former Omaha and Grant Smelter facility operated.

Denver currently owns the following property, which was acquired from ASARCO, Inc. It was a part of the property associated with the Omaha and Grant Smelter facility. Throughout this response, Denver will refer to the property it owned as the Site and the responses pertain to property owned by the City unless otherwise stated. To the best of Denver's knowledge, the property upon which the Omaha and Grant Smelter facility operated is now owned by various Pepsi-Cola Corp. subsidiaries.

- a. Boundary Survey of Denver Coliseum Property, dated February 5, 1987, from Design & Construction Management, Public Works Department, attached as D1(a).
- b. Omaha & Grant Smelter Deeds Map, undated, from City Engineer's Office, attached as D1(b).

2. Provide copies of all documents evidencing or relating to the property or properties identified in response to (#1) above (include copies of sales and purchase agreements, deeds, etc.).

- a. On May 20, 1920 ASARCO conveyed approximately 40.96 acres to the City and County of Denver (Denver). The warranty deed is attached as D2(a).
- b. On February 1, 1949 the Western Stock Show Association conveyed approximately 20,200 square feet of property to Denver, which was part of the abandoned Colorado Central Railroad right-of-way. The quitclaim deed is attached as D2(b).
- c. On February 21, 1949 Union Pacific Railroad Company conveyed approximately 372.24 square feet to Denver. The warranty deed is attached as D2(c).
- d. On August 25, 1949, Union Pacific Railroad Company conveyed an unspecified amount of land to Denver. The warranty deed is attached as D2(d).
- e. On June 19, 1953, Denver obtained approximately 2.42 acres out of the Colorado Eastern Railroad right-of-way by way of a treasurer's deed. The treasurer's deed is attached as D2(e).

- f. On February 26, 1959 Union Pacific Railroad Company conveyed approximately 106,630 square feet to Denver. The quitclaim deed is attached as D2(f).
  - g. On May 24, 1976 Burlington Northern, Inc. conveyed an unspecified amount of land to Denver. The quitclaim deed is attached as D2(g).
  - h. On February 8, 1989 Richard L. Gooding, Paragon Ranch, Inc., f/k/a Pepsi-Cola Bottling Company of Denver and Gooding Investment Co., Inc. conveyed approximately 0.41 acres to Denver. The quitclaim deed is attached as D2(h).
  - i. On March 3, 1989 Pepsi-Cola Metropolitan Bottling Company, Inc. conveyed an additional 0.41 acres to Denver. The quitclaim deed is attached as D2(i).
  - j. See various City ordinances relating to actions in relation to the Site (primarily purchases and sales of various portions of the Site), attached as D2(j).
  - k. See two memoranda from the Department of Public Works, regarding property owned by Denver at 39<sup>th</sup> Street and Arkins Court, dated May 2, 1969; and regarding Denver exchange of land with Pepsi Cola, dated May 6, 1969; both attached as D 2(k).
  - l. Various newspaper articles, attached as D2(l).
3. Describe the period(s) Respondent held the property or properties comprising the former Omaha-Grant Smelter facility and describe any and all uses to which the property was put to during those periods.

Denver first acquired a portion of the property comprising the Site in 1920 from ASARCO, Inc. The City acquired other properties in the vicinity of the Omaha-Grant Smelter facility as described in the documents listed in response to question 2 above. Since 1950, the City property has been used for the Denver Coliseum facility and related uses. Information regarding uses prior to that date is incomplete. We have discussed the uses with current and former City employees and have found little additional information regarding the uses. Some documents indicate that the City purchased the Site for the slag (see selections from *Municipal Facts*, 1918 through 1928, attached as Exhibit 7(b) below), but no records state that the slag from the Site was used to pave City streets, let alone which streets may have been paved. Because the slag disappeared from the property, we believe it was probably used as aggregate in paving City streets. The following maps are in existence:

- i. Omaha & Grant Slag Dump Property Contour Map, from City Engineer's Office, undated, attached as D3(a)(i).

- ii. Omaha & Grant Slag Dump Property Contour Map, from City Engineer's office, dated May 1, 1918, attached as D3(a)(ii).

No documents in the City's possession state that the City mined sand and gravel from the Site, or if the City did conduct mining operations, when those operations occurred. The following maps indicate, however, that sand and gravel may have been mined on the Site at one time:

- i. Survey map dated May 5, 1937, ~~Omaha-Grant Slag Dump Property, Drainage of Sand & Gravel Pits,~~ from City Engineer's Office, attached as D3(b)(i).
- ii. Survey map dated June 15, 1937, Omaha & Grant Smelter Property, blueprint map from Union Pacific Railroad (via City Engineer's Office), attached as D3(b)(ii).

An article from the Denver Post, dated ~~August 16, 1948~~ and attached as an exhibit to question 9 below, lists the Grant Smelter Site as a ~~municipal dump~~

An article from the Denver Post, dated ~~November 19, 1944~~ and attached as an exhibit to question 9 below, indicates that the ~~City started using the Grant Stack~~ as a municipal waste incinerator the previous week. An article from the Denver Post dated January 11, 1945 as attached as an exhibit to question 9 below indicates that the stack was a fire hazard. A former employee of the City Engineer's Office says he was told that the stack was only used once to incinerate trash because the draft was so strong as to be dangerous.

The Denver Coliseum was constructed on the Site in 1950, and has operated on the Site since that date.

- i. Specifications for All Contracts for the Construction of the Denver Municipal Stadium, from City Engineer's Office storage facility, dated July 1949, attached as D3(e)(i).
- ii. Denver Municipal Stadium Planning Report, dated August 1, 1950, from City Engineer's Office storage facility, attached as D3(e)(ii).
- iii. Proposal, Contract, Specifications, Etc. for Storm Sewer, Denver Municipal Stadium, dated November 1950, from City Engineer's Office storage facility, attached as D3(e)(iii).
- iv. Proposal, Contract, Specifications, Etc. for 21" Sanitary Sewer on Site of Denver Municipal Stadium, dated July, 1949, from City Engineer's Office storage facility, attached as D3(e)(iv).
- v. Proposal, Contract Specifications, Etc. for Street Intersection Project No. 985 at East 46<sup>th</sup> Avenue and Franklin Street, dated October 19, 1955, from City Engineer's Office storage facility, attached as D3(e)(v).
- vi. Various Denver Municipal Stadium blueprints, from Denver Coliseum storage area, attached as D3(e)(vi).

A number of projects to improve the Denver Coliseum and its facilities were undertaken by the City.

- i. Construction of Sanitary/Storm Sewer System, various blueprints from Denver Coliseum storage area, 1973, attached as D3(f)(i).
- ii. Storm Sewer Replacement, Project No. 93-470, various blueprints from Denver Coliseum storage area, 1993, attached as D3(f)(ii).
- iii. Ice Rink, Project No. 87-133B, various blueprints from Denver Coliseum storage area, 1987, attached as D3(f)(iii).

4. If the City of Denver subsequently transferred any of the property or properties identified above provide title documents showing the transfer of the property or properties. Additionally, provide any information you may have in regard to property use subsequent to the sale of the property or properties by the City of Denver.

Denver transferred the following property in the vicinity of the Site. Denver has no knowledge of specific uses of the property after it was transferred to third parties.

- a. On June 4, 1929 Denver conveyed to the National Fuse and Powder Company a 2.8 acre parcel of land, which was a portion of the original 41 acres Denver purchased from ASARCO in 1920. The 2.8-acre parcel is now owned by Paragon Ranch Inc. (i.e., the Pepsi plant). The deed is recorded in Book 4297 at Page 316 and is attached as D4(a).
- b. On November 1, 1937 Denver conveyed to Union Pacific Railroad Co. a 12 acre parcel of land, portions of which are now owned again by Denver, by Paragon Ranch, Inc. (i.e., the Pepsi plant), and by D&Z Investment Company. The warranty deed to Union Pacific Railroad Co. is attached as D4(b).
- c. On November 10, 1942 Denver conveyed to Union Pacific Railroad Co. a 2.2 acre parcel of land. The quitclaim deed is attached as D4(c).
- d. On April 20, 1959, Denver conveyed to Union Pacific Railroad Co. a parcel of land which is owned by Paragon Ranch, Inc. (i.e., the Pepsi plant). A map showing the parcel is attached as D4(d), but the deed could not be located in the records for the City and County of Denver.
- e. On April 21, 1976 Denver conveyed to Pepsi-Cola Bottling Company of Denver an unspecified parcel of land. The special warranty deed is attached as D4(e).

5. Provide any current or historical map you may have in regard to the Omaha and Grant Smelter facility.

Denver has located and provided the following maps and photographs of the Site.

- a. Sanborn Fire Insurance maps, dated 1887, 1890, 1893, 1903, 1925, 1929, 1937, 1951, 1955, 1957/58, 1961, 1967 and 1974, are attached as D5(a).
- b. Howell's Subdivision Map, The Omaha & Grant Smelting Company's Property, dated August 31, 1889, from City Engineer's Office, attached as D5(b).
- c. Section 23 quartersection map, untitled and undated, from Assessor's Office, attached as D5(c).
- d. Omaha & Grant Smelter Purchase survey map, undated, from City Engineer's Office, attached as D5(d).
- e. Omaha - Grant Smelter Purchase, map, undated, from City Engineer's Office, attached as D5(e).
- f. Union Pacific Railroad Situation Survey map, from City Engineer's Office, dated January 19, 1950, attached as D5(f).
- g. Photos of Grant Smelter, from Denver Public Library photo collection, attached as D5(g).
- h. Section maps for 2231, 2232, 2233, from Assessor's Office, City and County of Denver, attached as D5(h).

6. Describe and, where available, provide maps that describe the physical characteristics of the Site, including but not limited to the following:

Surface structures;  
Ground water wells;  
Ore treating facilities;  
Additions, demolitions, changes to the physical structures on or about the Site property during the period the City of Denver owned the Site.

Currently, the Denver Coliseum and the adjacent parking lot exist on the property owned by the City. To the best of the City's knowledge, there are three monitoring wells on City-owned property in Section 23. This information is provided in exhibit D12(i) to question 12 below. During the years the City has owned the property, no ore treating facilities existed on the property, with the

exception of the smelter stack, which was demolished in 1950. Additions, demolitions and changes to the physical structures on or about the Site property during the period the City may have owned the property are depicted below and in the exhibits to question 5 above.

- a. Sanborn Fire Insurance maps, dated 1887, 1890, 1893, 1903, 1925, 1929, 1937, 1951, 1955, 1957/58, 1961, 1967 and 1974, are attached as exhibit D5(a) to question 5 above.
- b. Twenty-one aerial photographs of the Site, from Colorado Aerial Photo Service, attached as D6(b).
- c. Omaha Grant Smelter Smoke Stack Location Contour map, dated July 1, 1936, from City Engineer's Office, attached as D6(c).
- d. Topographical maps (2), undated, labeled Sheet 46 and Sheet 47, respectively, both from City Engineer's Office, attached as D6(d).

7. Identify and describe all tailings piles, tailings ponds, flue dust piles, waste rock dumps and slag heaps at the Site that you have knowledge of. Include the following:

The locations of all former piles, ponds, dumps and heaps;

The source of materials contained in those former piles, ponds, dumps or heaps;

A description of the materials in those piles, ponds, dumps or heaps and any information or documents that relate to the transport by water or wind or other means materials from those piles, ponds, dumps or heaps to another area;

All current or historical information you may have in regard to smelter emissions or other hazardous substance releases at the facility.

- a. Denver did not conduct smelting operations on the Site at any time; therefore, no records exist regarding tailings piles, tailings ponds, flue dust piles, waste rock dumps or slag heaps. These inquiries are more properly directed to ASARCO, Inc., which operated the smelter.
- b. Denver purchased the property comprising the Site in 1920. *Denver Municipal Facts*, a government publication published in the teens and twenties, states that Denver intended to use the slag on the property to pave roads. No other evidence indicates whether or to what extent the slag was used to pave roads. The City does know that the slag disappeared and presumably was used as planned. While there are records indicating which streets were paved during specific years, which the City is providing, nothing shows the kind or source of aggregate used in the asphalt to pave those streets. See the Annual Report of the Department of Improvements for the years 1914, 1915; Annual Report of the Department of Improvements and Parks, 1916, 1917 and 1918, from Denver Public



Library, attached as D7(b); also, selections from Denver Municipal Facts, 1918 through 1928, from Denver Public Library, attached as D7(b2).

8. Identify whether soil (e.g., also sand, loam, fill) or any other materials (slag, flue dust, arsenic trioxide, debris) including but not limited to, materials containing arsenic have been excavated or removed (to include any sale, transfer, giving, change in ownership, or change in possession) from the Site by Respondent or others. If so, detail:

Amount and date(s) of soil or other materials removed from Site;  
Physical and chemical nature of materials removed;  
Identity of person(s) who removed materials and date(s) of removal;  
Final disposition of such materials.

- a. See answer to question 7(b) above. It appears that sand and gravel pits existed on the Site at one time (see answer and exhibits to question 3(b) above), but the period of mining use and specific kinds of material excavated are not specifically known. Likely anything excavated would have been consistent with the sands and gravels in the historical channel of the South Platte River as found throughout Denver. The excavation which occurred at the time of the construction of the Denver Coliseum and the adjacent parking lot is detailed in the exhibits to question 3(e); in particular, exhibit 3(e)(i) contains the requirement that any fill be free from roots or other organic material, trash, frozen materials, or rock or stone. Various city projects on the Site have also involved excavation work; see the exhibits which accompany question 3(f) above. Most of the material from these projects was likely backfilled.

9. Provide any archive or other document from the Improvements and Parks Department or other city records which may detail use of the former Omaha and Grant Smelter Stack as an incinerator.

It appears that the stack was used as a municipal trash incinerator, probably intermittently and only briefly from November 1944 to early 1945.

- a. Seven various newspaper articles, attached as D9(a).

10. Newspaper articles provided stated that the City through contractors Stearns-Roger and International Engineering and Maintenance Company demolished the Omaha Grant Smelter Stack on February 20, 1950. Provide any archive or other documents from the Improvements and Parks Department, City Contracting Department or other City records which may detail arrangements regarding the demolition of the smelter stack, including but not limited to, any health and safety precautions which may have been taken to minimize transport of the debris and dust emissions resulting from the demolition, any data collected during and after the demolition regarding impacts to air, soil or water from dust or debris and any information regarding the disposal or consolidation of the demolition debris.

No information other than newspaper articles and photographs were located.

- a. Eleven various newspaper articles, attached as D10(a).
- b. Twenty-one photographs of the Stack demolition, from the Colorado Historical Society and from Robert Slattery, attached as D10(b).

11. Provide any information from Streets Department archive documents or other City records which may detail use of Omaha and Grant Smelting slag for use in paving.

No records state specifically that the slag from the Omaha & Grant Smelter facility was used to pave Denver streets. The publication *Denver Municipal Facts* states that the City's purpose in acquiring the property was to use the slag as aggregate in paving its roads. The slag disappeared and presumably was used as planned. Although we have provided information about which streets were paved during the relevant time, we have no documents that state the kind or source of the aggregate used in the asphalt.

12. Provide a listing of any environmental or other reports you may have that relate to environmental conditions on or about the Omaha and Grant smelter facility and also properties in the vicinity of the former Argo Smelter and Globe Smelter.

- a. Department of Health, City and County of Denver, Study of Historic Landfills in and near Denver, conducted by Pinyon Environmental Engineering Resource, Inc. in 1997. Report regarding the Denver Coliseum Landfill (#3S-68W-23NW) is attached as D12(a).
- b. Letter dated 1/5/99 to Celia VanDerLoop at the Department of Environmental Health from Jim Paulmeno at CDOT, which references an Initial Site Investigation and a Preliminary Site Investigation, both of which were performed in 1991. The letter also refers to two Materials Management Plans, prepared in 1997 and 1998. All of the foregoing were compiled in regard to various construction projects along I-70, and the Coliseum property is part of the overall site that was researched; attached as D12(b).
- c. Environmental, Health and Safety Plan performed in November of 1997 by Centric/Jones Constructors for the Department of Environmental Health in relation to construction on I-70 East beginning at Washington Street; attached as D12(c).
- d. Environmental Assessment performed by USDOT, FHA and CDOT for the Department of Environmental Health for construction on I-70 from Washington Street to Brighton Boulevard; attached as D12(d). The Coliseum property is included in this EA.

- e. Final Materials Management Plan for Phases II and III of I-70 Modifications, dated July 24, 1998 and drafted by Walsh Environmental Scientists and Engineers, Inc. for the Department of Environmental Health; attached as D12(e). Phases II and III address a portion of the Coliseum property.
- f. Final Site Investigation for Phases II and III of I-70 Construction, dated July 23, 1998 and drafted by Walsh Environmental Scientists and Engineers, Inc. for the Department of Environmental Health; attached as D12(f).
- g. Environmental Complaints, and other Department of Environmental Health documents relating to illegal trash dumping on the Site, received by Denver Department of Environmental Health for the Denver Coliseum Property, attached as D12(g).
- h. Preliminary Assessment: Omaha & Grant Smelter Site, prepared Austin N. Buckingham, submitted to the EPA and the Colorado Department of Public Health and Environment, February 27, 1992; attached as D12(h).
- i. Colorado State Engineer's Office Water Well/Monitoring Hole Listings Within One Mile of Denver Coliseum, prepared for the Department of Environmental Health, attached as D12(i).
- j. Records from Denver Fire Department for Denver Coliseum, compiled for the Department of Environmental Health, attached as D12(j).
- k. Historical Site Use Assessment, Denver Coliseum Property, prepared by Pinyon Environmental Engineering Resources, Inc., for Denver City Attorney's Office, dated October 8, 1998. This document was prepared for the Denver City Attorney's Office in anticipation of litigation and consequently is not produced. Copies of historical documents located by the consultant have been provided in response to this request for information.

The following documents are available for the EPA's inspection. These documents may or may not be related to EPA's investigation. Please contact Shaun Sullivan, Assistant City Attorney, 303-640-3552, to arrange a time to review the documents.

- l. AET Environmental Programs Manual, Materials Management Plan for Project No. 98-065, dated June 1999, prepared by AET Environmental, Inc. for the Denver Department of Environmental Health.
- m. Underground Storage Tank No Further Action Request I-70 and Brighton Boulevard, Parcel 49, dated March 1, 1999, prepared by Walsh Environmental for the Denver Department of Environmental Health.

- n. Sampling and Analysis Plan for Ground Water Contamination Investigation, I-70, 44<sup>th</sup> Street to Brighton Boulevard, City and County of Denver, dated April 19, 1999, prepared by Walsh Environmental for the Denver Department of Environmental Health.
  - o. Initial Site Characterization Report, I-70 and Brighton Boulevard, Central Storage Property, Parcel 49, dated March 4, 1999, prepared by Walsh Environmental for the Denver Department of Environmental Health.
  - p. Supplemental Ground Water Investigation Report, I-70, 44<sup>th</sup> Street to Brighton Boulevard, City and County of Denver, Colorado, dated September 15, 1999, prepared by Walsh Environmental for the Colorado Department of Transportation.
  - q. Limited Environmental Investigation, Heller Property, Final Report and Appendices, dated April, 1999, prepared by the Denver Department of Environmental Health for the City and County of Denver.
  - r. Letter to Cindy Bosco, Department of Environmental Health, from Pinyon Environmental Engineering Resources, Inc., dated July 20, 1999, regarding results of soil investigation for Heller Property at 5350 Washington Street, Denver, Colorado.
  - s. Initial Site Assessment Update for I-70 Modifications Washington Avenue to High Street, Denver, Colorado, dated May 31, 1996, prepared by Walsh Environmental for the Colorado Department of Transportation.
  - t. Amendment: Materials Management Plan for Management of Soil During Phase III Construction, I-70 Modifications, Brighton Boulevard to Humboldt Avenue (CDOT Project No. IR-IM(CX)070-4(145), dated May 6, 1999, prepared by Walsh Environmental for the Colorado Department of Transportation.
13. Furnish all additional information, documents or reports you may have in regard to the source and transport of materials and contaminants located in the vicinity of the Site including the Elyria, Swansea, Cole, Clayton and Globeville neighborhoods.

Denver has provided all information, documents or reports responsive to question 13 in the documents provided or referenced in question 12 above.

Denver has done as thorough a review of its records as possible given the long period of time since this property was acquired. We will continue to investigate uses of the property and supplement this response with any additional significant information.